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Attached is [REDACTED] submission on the Director's speech before the Univ. of Pennsylvania Law Review Banquet on Friday, 4 May. He will be speaking before a group composed of leading members of the local bar, by Review alumni from Pennsylvania and nearby states, by the faculty of the law school and the present editorial board of the Review. As I indicated to you, Mr. Dulles would like your thoughts and comments.			
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20 April 1956

Mr. Dulles:
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[REDACTED] sent over the attached.
He said you wished to go over it this week end,
in connection with the next speech you will be
making.

10 April 1956

INTERNATIONAL COMMUNISM AND PARLIAMENTARY ELECTORAL SYSTEMS

Background

I. Twentieth Party Congress of the CPSU on Parliamentarianism

The 20th CPSU Congress proclaimed a number of "doctrinal modifications", which are still being studied and analyzed to determine their nature and significance. One of the most striking is the possibility of achieving socialism through Parliamentary means, without recourse to violence or civil war.

Label (A) "The right wing bourgeois parties and their governments are suffering bankruptcy with increasing frequency. In these circumstances, the working class, by rallying around itself the toiling peasantry, the intelligentsia, all patriotic forces, and resolutely repulsing the opportunist elements who are incapable of giving up the policy of compromise with capitalists and landlords, is in a position to defeat the reactionary forces opposed to the popular interest, to capture a stable majority in parliament, and transform the latter from an instrument of bourgeois democracy into a genuine instrument of the peoples' will. In such an event this institution, traditional in many highly developed capitalist countries, may become an organ of genuine democracy - democracy for the working people." (Khrushchev speech, 14 February 1956).

II. What is the background of established Communist doctrine?

Basic governing laws for International Communism remain the Theses and Statutes of the Third or Communist International adopted by the Second Comintern Congress, July-August 1920 (never rescinded despite the dissolution of the Comintern). A few quotations will suffice:

"Parliament at present can in no way serve as the arena of a struggle for reform, for improving the lot of the working people as it has at certain times of the preceding epoch.... It is the immediate historical task of the working class to tear this apparatus out of the hands of the ruling class, to break and destroy it, and to create in its place a new proletarian apparatus....

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In this warfare of the masses, developing into a civil war, the guiding party of the proletariat, must as a general rule, secure every and all lawful positions.... The Communist Party enters such institutions, not for the purpose of organization work, but in order to blow up the whole bourgeois machinery and the Parliament itself from within."

Once elected, a Communist delegate, "by decision of the Central Committee is bound to combine lawful with unlawful work.... Each Communist member must remember that he is not a 'legislator' who is bound to seek agreements with other legislators, but an agitator of the party, detailed into the enemy's camp in order to carry out the orders of the Party there. The Communist member is answerable not to the wide mass of these constituents, but to his own Communist party - whether lawful or unlawful."

III. Has this destructive purpose been abandoned or modified?

The Soviet leaders, despite some double talk, made it clear at the 20th Party Congress, they have not reconciled themselves to Parliamentarism as it is understood in the Free World. Their purpose is still revolution.

(C) "It is necessary for the state and leadership of society to pass over to the working class (which)....will take power into its own hands and liquidate private ownership as the basic means of production. Historical materialism teaches that the replacement of capitalism by a classless society constitutes a revolutionary jump. This transfer, in its essence, is a revolutionary change of one social order into another. Therefore any transfer from capitalism to socialism, a change in social relations is a revolution, varying in acuteness, but nevertheless revolution which all peoples will experience." (Mikoyan speech, 16 February 1956).

IV. What, then, does this "doctrinal modification" amount to?

Stripped of double talk, the Soviet leaders have announced: (a) their purpose of destroying capitalist society remains unchanged, (b) in the process they will destroy parliamentary institutions and substitute institutions patterned on the Soviet system. The only "modification" is (c) this may be easier than Lenin thought, because conditions are ripe in many "decadent" countries of the Free World for accomplishing (a) and

(b) without recourse to violence. We may conjecture what countries the Soviet leaders have in mind, as plums ripe for picking. Probably France and Italy where Communism seems to have^{had}/an almost indestructible core of votes on the order of 25%. Alliance with left wing Socialism is a fact in Italy (raising the total parliamentary representation to the order of 37%), a hope in France, which if it could be realized might create a Communist dominated majority, or at least a situation in which anti-parliamentary elements of the left and right (Poujadists) would dominate.

Possibly they have in mind the so-called underdeveloped countries, where parliamentary institutions are new and precarious, and where an element of political inexperience or gullibility makes the prospects of subversion look attractive to the Communists.

V. How can the Free World Democracies defend themselves against this threat to the Parliamentary system?

This is an infinitely complex and difficult problem, which this speech will not attempt to answer. Only one point is to be established: the election machinery, per se, is not the answer to the containment of Communism. The answer lies in the will and determination of the people and of their representatives to defend their democratic system by all legal means.

Manipulation of Electoral Systems.

I. Basic Electoral Systems

All basic democratic electoral systems are variants of the majority or the proportional representation principles. These have given rise to endless theoretical discussion, which still arouses passion, though less so than formerly.

Principal valid generalizations: (a) majority system provides clear cut decision; it emphasizes the responsibility of the individual delegate as a representative of the entire voting population of the constituency, though this is frequently lost in partisanship. (b) Proportional representation brings out the political complexion of the electorate, but may promote, as well as reflect, tendencies toward atomization, resulting in indecisive or instable governments. On the whole the majority system really works only when the social and economic issues of a country are sufficiently simple and clean cut to be adequately reflected in a two party system. This appears to have been a near monopoly of the Anglo-Saxon peoples. (Austria is an exception - see below). In most other countries, fundamental economic issues are likely to be confused by equally fundamental cross currents of social or religious issues, which call for a multi-party system to do justice to the realities of the situation. There are, of course, a number of countries with basically two party alignments, complicated by a third factor, such as the Liberal Party in England, where proportional representation would produce an entirely different outcome from majority elections.

In any case proportional representation is a tricky subject for Americans to generalize about. There are said to be 200 different systems which have been proposed for the actual distribution of seats under PR.

Attempts to influence European countries to adopt the majority system have been made, on the ground that what is good for the US must be good for other democracies. In one rather spectacular case, an American ambassador succeeded in persuading a party group in power to adopt the majority system, with the result that in the election a minority party winning less than a majority of the total vote nevertheless

75% of the seats! (Greece). Such an experiment is not habit forming!

II. Manipulations of Electoral Systems

Basic principle of all parties in power is to manipulate the electoral system to preserve or enhance their position. This applies equally under proportional and majority systems. We are familiar with geographical gerrymandering, but there are also forms of what has been called vertical gerrymandering in multi-party states. This is the form with which we are primarily concerned, and which has characterized the bulk of manipulation under the proportional system.

Electoral manipulation is also directed against extremist and splinter parties. Against the splinters, chiefly because they are in fact a source of confusion and dissipated political energy. Against the extremists because they are in general opposed to the parliamentary system as such, and constitute a danger to the democratic state. Most measures against the extremists are designed to affect both the left and the right, but for our purposes, we are concerned only with manipulations directed against the left, specifically the Communists.

We shall devote our discussion primarily to examples from postwar European elections. But there have been interesting examples from our own American past of electoral manipulations, intended purely for the advantage of one of the major parties, which have, through ingenious exploitation been used by the Communists to their own advantage.

A case in point is the New York City Council before World War II. The Council, comprising 25 members, was originally elected with a large predominance of Democratic Councilors. The so-called Fusion group

introduced proportional representation. The Democrats continued to maintain their majority; the Republicans achieved approximately their proportionate share of the Council. In 1939 the American Labor Party gained five seats, and in 1940 and 1941 two Communist candidates were elected under an open Communist ticket. Both the Communists were elected in constituencies of predominant foreign population. They would not have been elected under a majority system.

III. Types of manipulation under proportional representation, directed primarily against the extreme left.

A. [The classic form of manipulation is that of the premium vote. In a multi-party system it is invariably associated with the principle of electoral alliances ("apparentements" in France, "collegamenti" or "apparentamenti" in Italy). Under this system, linked tickets of several parties are presented in a large number of constituencies or electoral districts. Under the French Electoral law of 1951, any such linkage which gathered an absolute majority in a given constituency, was granted all the seats for that district. If no party or linked group polled a majority the seats of the district were assigned on a basis of proportional representation. This system was introduced in 1951 for the express purpose of weakening not only the Communists on the left, but the Gaullists on the right. It succeeded admirably. The Communists did get 98 seats, the Gaullists 101, but under pure proportional representation the figures would have been Communists 172, Gaullists 143, an actual majority of the 627 seat assembly. The elections of 1956 were fought under the same system, despite efforts by Mendes France and others to introduce the single candidate constituency system. This time, as we all know, the Left and Right Center were torn

by the bitter feud of Mendes France and Edgar Faure. The Communists proposed electoral alliances with the Socialists, but this was turned down by the Socialist Party organization, although nearly a third of the Party delegates were in favor of such alliances. On the extreme right, the Poujadistes emerged as the new threat replacing the fragmented Gaullists. When the votes were counted, Right or Left Center alliances had gained absolute majorities in only 10 districts. The net result: proportional representation was applied almost generally and the Communists got 25.6% of the popular vote and 24.1% of the seats. Thus, while we cannot say that the Communists were able to exploit the electoral system for any major advantage, we can say that the premium vote device failed to protect the broad spectrum of democratic parties from the menace of powerful anti-parliamentary parties at either extreme. The future of the French parliamentary system is overcast with a somber shadow. If dissension continues within the Center, another election under the present system might (as it would have in 1951 under pure PR) yield a parliament with the anti-parliamentary extremes actually in a majority. The basic generalization emerges clearly: when extremism, especially Communism, is weak, a majority system will effectively keep it so. When a Communist party and its affiliates command a large popular vote (on the order of 35 to 40%) there is serious risk that under a majority system they may gain control of the representative body. Under those circumstances, proportional representation operates as a safeguard to insure that Communism does not gain more representation than its popular vote would justify.

The case of Italy is equally striking. The Scelba Electoral law of 1953 was passed by the dominant Christian Democratic Party and its

lesser affiliates who commanded a prospective vote of about 50%.

With a powerful combination of Communists and Nenni Socialists on the left likely to achieve some 35% and with a monarchist and irresponsible neo-Fascist on the right, the prospect for stable government was poor indeed. To cope with this, the new law incorporated a premium vote, which provided that any party or linked group winning more than 50% of the popular vote, got a bonus of 15% in the distribution of seats. In the election the Demochristian alliance fell only 57,000 votes of achieving an absolute majority, with the result that proportional representation applied in its pure form.

One lesson was learned by the dominant party. The law was in effect a "trick" law, or as the left promptly labeled it, a "swindle" law (Legge truffa). Recognition of this fact undoubtedly outraged many center voters, who decided to register a protest against it, either to the right or to the left. If the Christian Democrats had been content to let well enough alone, and to take their chance with pure proportional representation, they and their affiliates might have emerged with a small popular majority, small, perhaps, but at least sufficient to govern.

That this lesson has been absorbed, is made clear by the new law which has been adopted for the upcoming administrative elections (May 1956). This is basically a PR law, with a major modification to be sure (modified majority system in Communes over 10,000, pure PR for those under 10,000). It reflects the perhaps belated recognition by the Christian Democrats that it cannot hope to stave off Communist and leftist pressures by electoral manipulation.

A slightly less flagrant example of premium voting was adopted in the Greek elections of February 1956. The law was clearly intended to favor the party of Premier Karamanlis. It also sought to discourage minor parties by a requirement that each party must win 15% of the national vote to be eligible for parliamentary representation. In the case of coalitions, 25% of the vote was required. It was thought that these percentages would discourage the opposition from flirting with the Communist controlled EDA party. The results: Karamanlis achieved 49% of the popular vote and 55% of the seats; the opposition with 46% of the vote got 45% of the seats. By their successful alliance with the opposition the Communists were able to win 18 seats, with perhaps another 26 responsive to their influence. Thus, while Karamanlis was able to achieve a slight betterment of his majority by electoral manipulation, the price was the rather substantial intrusion of the Communists into the parliamentary scene. There is every reason to believe that unless, as seems unlikely, the conservative elements in power take vigorous measure to alleviate poverty, Communism in Greece may come to exercise something like the attraction that it has in Italy.

B. The other category of electoral manipulation directed against Communists is the provision of a minimum popular vote requirement. Obviously such a minimum can hardly be applied above a fairly modest level. Hence it is effective only in countries where Communism is not a powerful force. The classic example is Germany which has a mixed proportional and majority system (50-50). A party to be represented must poll 5% of the popular vote and elect at least one candidate outright (this has been increased to 3). This effectively excluded the Communist along with other splinter

parties, and results in something approaching the British parliamentary situation (two major, but somewhat unbalanced parties (CDU and SPD) with a sizeable third party (FDP) playing an important role in the governmental balance.

Naturally the Communists are not happy with this situation, especially when they are confronted with the prospect of being declared illegal.

Another country in which measures are being taken to eliminate even an insignificant Communist minority party is Austria. With the balance of a Conservative (People's) and a Socialist Party almost uniquely even, and with vital economic issues at stake (oil) both sides are determined to minimize the disrupting effect that even a tiny Communist representation might exercise in the Austrian parliament. There are gimmicks in the Austrian electoral law. Although it has not adopted the percentage minimum device, Austria does have the same requirement as Germany, viz. that a party must win at least one seat in direct balloting, before it can benefit from proportional representation in the national distribution. It is possible by concentrating on a single urban industrial constituency, such as Wiener Neustadt, the Communists would be able to get the necessary single direct election which would enable them to hold the four seats they now occupy. It is possible that they could make use of absentee ballots which are regularly issued to railroad personnel, truck drivers, etc. By fraudulently collecting a large number of these and casting them all in the chosen constituency, added to the strength they already have, they might be able to achieve a plurality. The Austrian government is not unmindful of this danger, and will doubtless scrutinize carefully any moves along the lines mentioned above.

Conclusion

The generalizations which may be of value to us as participants in the world struggle against Communism may be summed up as follows:

A. International Communism, despite the note of relaxation in the 20th Party Congress pronouncements, is still determined to destroy parliamentary democracy. It has adopted a particularly dangerous tactic in wooing the democratic socialist and neutralist parties. They appear to be well on guard, but the pressures will increase, perhaps overwhelmingly.

B. European governments will undoubtedly resist this new and more flexible Communist offensive. However, attempts to do so through electoral manipulations are dangerous. It is easy to confuse the broad democratic interest with the narrower interest of the dominant party. Unity among the left and right center elements is precarious, and the extremists of the right and left are standing by for any opening. Though the latter may be bitterly opposed to each other on most basic issues, they are united on one - determination to eliminate parliamentary democracy. On this they can, under certain circumstances, make disastrous common cause.

C. Communism cannot be permanently suppressed by electoral manipulation alone. In certain cases, the effort may be positively disadvantageous, casting doubt on the democratic morality of the state itself, and investing the Communist party with an aura of martyrdom.

D. Communism can only be effectively combated when the will of the nation is fully marshaled in the cause. The economic and social grievances

from which Communist parties gain the bulk of their votes (for the most part not Moscow-oriented Communist at all) must be cured by parliamentary action, if the democratic form of society is to be preserved. In the last analysis, the issue is not only political but moral and spiritual as well.